

EXHIBIT PD-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

SCOTT BYRON ELLINGTON,

Plaintiff,

v.

PATRICK DAUGHERTY,

Defendant.

Chapter 11

Case No. 19-34054 (SGJ)

Adv. No. 22-03003-sgj
*Removed from the 101st Judicial District
Court of Dallas County, Texas
Cause No. DC-22-00304*

DECLARATION OF ANDREW K. YORK

Andrew K. York declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. My name is Andrew K. York. I am over 18 years of age and fully competent to make this Declaration. I have personal knowledge of the facts contained herein, and they are all true and correct.

2. I am a partner at Gray Reed & McGraw LLP, and am one of the counsel to Patrick Daugherty (“Daugherty”) in the above-referenced adversary proceeding. Gray Reed & McGraw LLP also served as counsel to Daugherty in *Scott Byron Ellington v. Patrick Daugherty*; Cause No. DC-22-00304; in the 101st Judicial District Court, Dallas County, Texas (the “State Court Action”) while it was pending in the state court. Previously, I along with other attorneys at Gray Reed &

¹ The last four digits of the Reorganized Debtor’s taxpayer identification number are (8357). The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

McGraw, P.C. f/k/a Looper Reed & McGraw, P.C. represented Daugherty in *Highland Capital Management, L.P. v. Patrick Daugherty*; Cause No. DC-12-04005; in the 68th Judicial District Court, Dallas County, Texas (the “Highland Action”).

3. Attached hereto as Appendix pages 0005-0010 and incorporated herein is a true and correct copy of the Escrow Agreement between Highland Capital Management, L.P. and Abrams & Bayliss, LLP.

4. Attached hereto as Appendix pages 0011-0087 and incorporated herein is a true and correct copy of a pretrial brief filed by Daugherty in the Delaware Recovery Case.

5. Attached hereto as Appendix pages 0088 and incorporated herein is a true and correct copy of a request for writ of execution filed by Highland Capital Management, L.P. in the Highland Action.

6. Attached hereto as Appendix pages 0089 and incorporated herein is a true and correct copy of a release of judgment lien filed in the Dallas County public records relating to the final judgment entered in the Highland Action.

7. Attached hereto as Appendix pages 0090-0103 and incorporated herein is a true and correct copy of an application for writ of garnishment filed by Highland Capital Management, L.P. in the Highland Action.

8. Attached hereto as Appendix pages 0104-0105 and incorporated herein is a true and correct copy of a letter sent by Delaware counsel on Daugherty’s behalf to Abrams & Bayliss, LLP on February 14, 2017.

9. Attached hereto as Appendix pages 0106-0107 and incorporated herein is a true and correct copy of a letter from Abrams & Bayliss, LLP to Daugherty’s Delaware counsel dated February 16, 2017.

10. Attached hereto as Appendix pages 0108-0148 and incorporated herein is a true and correct copy of the complaint filed in Daugherty's Delaware Fraud Case against James Dondero, HERA, HERA Management, Isaac.

11. Attached hereto as Appendix page 0149 and incorporated herein is a true and correct copy of a screenshot picture taken by Patrick Daugherty on February 16, 2021, during Scott Ellington's deposition.

12. Attached hereto as Appendix pages 0150-0152 and incorporated herein is a true and correct copy of a November 29, 2021, letter submitted by Stephen B. Brauerman, counsel for Scott Ellington, among others, in Daugherty's Delaware Fraud Case, to the Delaware court.

13. Attached hereto as Appendix pages 0153-0365 and incorporated herein is a true and correct copy of a December 17, 2021, letter submitted by Thomas Uebler, counsel for Daugherty in Daugherty's Delaware Fraud Case, to the Delaware court.

14. Attached hereto as Appendix pages 0366-0410 and incorporated herein is a true and correct copy of Scott Ellington's original petition and application for temporary restraining order in the State Court Action.

15. Attached hereto as Appendix pages 0411-0416 and incorporated herein is a true and correct copy of a litigation hold letter sent by Michael Hurst to myself and others in the State Court Action on January 13, 2022.

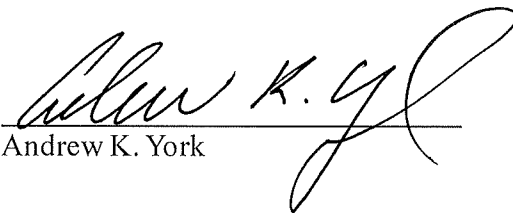
16. Attached hereto as Appendix pages 0417-0419 and incorporated herein is a true and correct copy of a January 31, 2022 letter from Michelle Hartman to John Morris and Jeffrey Pomerantz, counsel for Highland in the bankruptcy. Mr. Morris sent me a copy of the letter on February 9, 2022.

17. Attached hereto as Appendix pages 0420-0429 and incorporated herein is a true and correct copy of the 101st Judicial District Court's trial docket sheet for the week of March 21, 2022, which was obtained on February 17, 2022.

18. Attached hereto as Appendix pages 0430-0439 and incorporated herein is a true and correct copy of the 101st Judicial District Court's trial docket sheet for the week of April 18, 2022, which was obtained on February 17, 2022.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Dallas, Texas on this 23rd day of February, 2022.



Andrew K. York